

REMARKS

Claims 1-12 are pending in the above-captioned application, all of which stand rejected under 35 U.S.C. §103(a) over either Greinke et al. (U.S. 5,228,701) or Mercuri et al. (U.S. 6,528,199) (it is noted that Mercuri et al. was made of record by Applicants in the initial Information Disclosure Statement filed in the above-captioned application). Applicant gratefully acknowledges the withdrawal of the previous rejection of claims 1-12 over Schrott et al. (DE 3600902).

Since neither Greinke et al. nor Mercuri et al. even remotely suggest the invention of the rejected claims, withdrawal of these new rejections is also appropriate and respectfully requested.

As noted in the Office Action, the claims of the above-captioned application relate to the formation of impressions in a flexible graphite sheet using a forming element which oscillates against the sheet. It is the contention in the Action that the Greinke et al. and Mercuri et al. references disclose forming elements which read on an oscillating element. As a first point, disclosures broad enough to read on the claim language do not necessarily suggest the claimed invention. In any event, however, the Greinke et al. and Mercuri et al. teachings do not read on the use of an oscillating forming device for a flexible graphite sheet.

As a basis for better understanding the scope of the rejected claims, the plain meaning of the term "oscillate" needs to be employed. As defined in The American Heritage Dictionary of the English Language (Houghton Mifflin 1981), oscillate means "to swing back and forth with a steady uninterrupted rhythm." See also the definition in Dictionary.com. This is precisely the manner in which the term is used in the above-captioned application, as illustrated at paragraphs [0069]-[0070].

Neither Greinke et al. nor Mercuri et al. provides any suggestion of the use of an oscillating forming element, and neither describes a forming element which reads on an oscillating forming element (whether or not such a reading would provide the suggestion of an oscillating forming element).

More specifically, Greinke et al. describes the formation of indentations in a flexible graphite sheet during the compression of expanded graphite particles into the sheet by covering the surface of the compression device with a coarse cloth. The Greinke et al. compression device cannot read on an oscillating element, since that would be inconsistent with the use of a coarse cloth to form indentations.

Likewise, Mercuri et al. describes a roller for embossing flow field channels into a flexible graphite plate. A roller cannot be described as an element that

swings back and forth with a steady uninterrupted rhythm and so, does not read on or suggest an oscillating forming element.

Regardless of the breadth of the language of the disclosures of Greinke et al. and Mercuri et al., neither contains any suggestion of the use of an oscillating forming element in the formation of structures in the surface of a flexible graphite sheet. This being the case, the invention of the claims of the above-captioned application is not obvious over these cited patents, and all claims 1-12 should be found allowable.

CONCLUSION

Based on the foregoing remarks, it is believed that allowance of all pending claims 1-12 is appropriate. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of these claims, the Examiner is requested to call the undersigned collect at 615.242.2400 to arrange for an interview which may expedite prosecution.

The Commissioner is authorized to charge any deficiency attendant to the filing of this response to Deposit Account No. 50-1202.

Respectfully submitted,



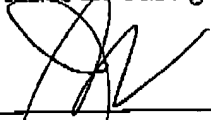
James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

James R. Cartiglia
Waddey & Patterson
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this Response To Office Action (5 pages) and Certificate of Facsimile Transmittal (1 page) are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571.273.8300 on February 16, 2006.

James R. Cartiglia



Signature
Registration Number 30,738